

REMARKS

Claims 1-10 have been canceled without prejudice. Independent claim 12, directed toward a side sill or rocker panel automotive part is presented so as to further distinguish the invention from the cited prior art and to minimize issues presented for the Examiner's reconsideration. Claims 11 and 13-15 depend from independent claim 12.

Independent claim 12 specifies that the part is adapted for attachment to an automotive frame member. The part includes a top leg 12 and an attachment leg 14 with an intermediate section interconnecting the top leg and the attachment leg. The intermediate section has a show surface 20 and an opposed inside surface 22. The top leg and attachment leg both extend away from the show surface side of the part. A hinged joint 16 is provided adjacent the attachment leg to define an attachment leg section that is located proximate to the hinged joint. This can be seen most clearly in Figs. 2 and 3 of the specification. Further, an opposed distal end section of the attachment leg 14 is spaced from the hinged joint. This can be seen in Figs. 2 and 3 and is the end of the attachment leg 14 in which the aperture 18 is provided. The part is bendable at the hinged joint and thereby permits pivoting of the attachment leg toward the inside surface 22 of the intermediate section. The distal end of the attachment leg is adapted for secure attachment to the frame member as can be best seen in Fig. 3.

The presently claimed structure provides a deep drawn side sill and rocker panel where the exterior, show surface of the part may extend closely to the road surface to thereby exhibit good ground clearance. The part is popular from an aesthetic perspective, and also the low disposition of the part relative to the ground surface helps to provide an air damming effect to promote aerodynamic stability of the vehicle during driving (see paragraph [0003] of the specification).

Dependent claim 13, similar to independent claim 12, is also fully supported in the specification with such support being clearly seen in Figs. 2 and 3. Reference number 18 depicts the aperture. Additionally, claims 14 and 15 find support in the specification as can be seen specifically in conjunction with paragraph [0024].

Turning now to the Office Action of January 16, 2007, the rejections under 35 USC §112 as set forth in paragraphs 1-3 of the Office Action are now moot in light of the cancellation of the claims giving rise to such rejections.

Turning now to the art-based rejection of the claims, all claims stand rejected under 35 USC §103 in light of Hingorani et al. '109 taken together with Soyka, Jr. et al. '175.

Turning first to the Hingorani et al. patent, as indicated by the Examiner, this indeed does disclose the use of living hinges 60a and 60b which together support platform 40. However, this patent does not contain any teaching or suggestion of the specific structure now claimed in claim 12. More specifically, Hingorani et al. fails to disclose the provision of a top leg and attachment leg wherein the attachment leg is pivotable toward the inside surface of an intermediate section with the intermediate section having, in opposition to the inside surface, a show surface. Further, there is no hint or suggestion in this reference directed toward the provision of a hinge joint along one of the legs with the leg then being bendable toward the inside portion of the intermediate section so that a distal end of the attachment leg is securedly attached to the frame member.

Turning now to Soyka Jr. et al., to be sure, this discloses a provision of a hinged flange such as shown at 32 in Fig. 2. In contradistinction to the instant invention, it is noted that the flange 22 is secured to the trim body 12 by the provision of a lip 35 that fits within a fixed flange 24. As set forth in instant claim 12, the distal end of the attachment leg is securely attached to the frame member, not to the trim part.

For all of the above reasons, it is respectfully that the claims define patentable subject matter. The prompt issuance of a Notice of Allowance is accordingly solicited.

Serial No. 10/524,167

-6-

The Examiner is invited to call the undersigned attorney if, during the course of reconsideration of the application, any question or comment should arise.

Respectfully submitted,

WEGMAN, HESSLER & VANDERBURG

By Bruce E. Peacock  
Bruce E. Peacock  
Reg. No. 28,457

Suite 200  
6055 Rockside Woods Boulevard  
Cleveland, Ohio 44131  
216.642.3342

April 10, 2007